IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3197 OF 2004

Vijay Nair Prop M/s Octadex Products .. Plaintiff

versus

Smt Chaitali A.Banker
Prop Arroy Mktg .. Defendant

...

Mr. V.J.Brahmdatt for Plaintiff.

None for the Defendant

CORAM : D.G. KARNIK, J

DATED : 21st March 2005.

P.C:-

1. Heard learned counsel for the plaintiff. None present for the defendant. The planitiff has filed on record the affidavit of service sworn by Mr.Sudhakar Rane bailiff on 16th December, 2004. Despite service, the defendant has not filed an appearance thereby entitling the plaintiff to a decree under order 37

Rule 2 (3) of the Code of Civil Procedure.

2. The plaintiff has also filed on record the original documents alongwith a list. The documents are taken on record and collectively marked Exhibit A.

3. I have perused the plaint and the documents filed on record. As per the defendant's order the plaintiff sold, supplied, and delivered to the defendant goods under various invoices. Office copies of the invoices and lorry receipt are filed on record. The plaintiff has also filed on record xerox copy 'C' form issued by the defendant. The original 'C' form was handed over for the purpose of assessment of sales tax. On the reverse of the sales tax form, the defendant has signed below the details of the bills for the goods supplied. In the circumstances, the plaintiff is entitled to a decree in respect of the principal sum. I find that there is no contract for payment of interest. In view of this, learned counsel for the plaintiff gives up the claim for interest.

4. Hence, for the reasons mentioned above, I pass the following order:

" Suit of the plaintiff is decreed as follows:

The defendant shall pay to the plaintiff Rs.3,92,488/- and all costs of the suit. "

D.G.KARNIK, J